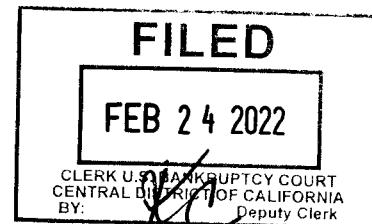


1 Smith, Andre Mario.
2 7938 Broadway No. 1263
3 Lemon Grove, California, 91946
4 619-813-2881
5 Fax Number: N/A
6 andmarioith@yahoo.com
7 **Special Appearance**

8 (ANDRE MARIO SMITH, Pro Se)



8 **UNITED STATES DISTRICT COURT IN AND FOR THE**
9 **THE CENTRAL DISTRICT OF CALIFORNIA**

10
11
12 In re:) Case No.: 2:21-bk-18205-DS
13 CRESTLLOYD, LLC,) Chapter 11
14
15 Debtor.)
16) **NOTICE OF MOTION AND**
17) **MOTION FOR EMERGENCY**
18) **PROTECTIVE ORDER/SEAL;**
19) **MEMORANDUM OF POINTS AND**
20) **AUTHORTIES;**
21) **DECLARATION/AFFIDAVIT AND;**
22) **ORDER**
23)
24) **F.R.C.P. 5.2D**
25)
26) **DATE: (To Be Assigned)**
27
28

23 **Greetings to all these presents shall come.**

24 **Know all men by these presents.**

25 **Notice to Principal is Notice to Agent.**

26 **Notice to Agent is Notice to Principal.**

27 **To all Parties and their Attorneys of Record:**

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FOR EVER

1 NOTICE IS HEREBY GIVEN that on **February 24, 2022**, or as soon there-after
2 as the matter can be heard in Courtroom 1639 on the 13th floor of the United States
3 Bankruptcy Court, 255 E. Temple Street, Los Angeles, CA 90012, Special Interested
4 Party Andre Mario Smith will, and by this Motion hereby does, move this court for
5 (emergency) Seal/Protective Order.

6 **PLEASE TAKE FURTHER NOTICE** that, the courtroom will be closed to the
7 public and the hearing will be held via Zoomgov, which provides both audio and
8 video access. All parties and members of the public may connect to the hearing free
9 of charge. Zoomgov connection information for this hearing will be posted on the
10 Courts public calendar for Judicial Officer Saltzman, accessible on the court's
11 website: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/default.aspx>. More information
12 on using Zoomgov to participate in this hearing is available on the Court's website at
13 the following web address: <http://www.cacb.uscourts.gov/news/zoom-video-hearing-guide-participants>.

15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **STATEMENT OF FACTS**

17 Special Interested Party, Andre Mario Smith, referred to herein as interested party,
18 filed instruments, referred to herein as the instruments, on February 16, 2022, for the
19 full settlement and closure of the above-captioned case and to remedy any harm that
20 may, or may not, come to any-all parties effected by the transfer of lands most
21 commonly known as 944 Airole Way, Los Angeles, California [90077].

22 Due to impending Auction scheduled to begin on or about February 28, 2022,
23 creating an emergency, interested party filed the instruments without *ex-parte*,
24 without redaction, and/or without a Seal order. Now, interested party files this
25 (emergency) Motion for Seal to protect, among other things, private, highly sensitive
26 financial information of private non-party individuals. Pursuant Federal Rules of
27 Civil Procedure 5.2(a), 5.2(d), 5.2(e), and Local Rules, interested party moves this
28

1 court to Seal the filing and or issue a Protective Order.

2 **ARGUMENT**

3 All and-or certain limited portions of interested party's filing, item no.: 128,
4 contain highly commercially sensitive financial and business information, particularly
5 that of private non-party individuals, and trade secrets. Therefore, interested party
6 seeks Seal and/or protective order(s).

7 While the public generally enjoys the right of access to Court records, the public's
8 right to access Court records "is not absolute," and documents may be filed under
9 Seal where disclosure would harm a party forcing it to disclose trade secrets or other
10 valuable confidential proprietary information, *Nixon v. Warner Commc'ns, Inc.*, 435
11 U.S. 589, 598 (1978); *In re Elec. Arts, Inc.*, 298 Fed. App'x 568, 569-70 (9th Cir.
12 2008).

13 "Where a party shows that its' documents contain sources of business information
14 that might harm its competitive standing, the need for public access to the records is
15 lessened," *Algrain v. Maybelline, LLC*, No.: 12CV300 AJB (DHB), 2014 WL690410,
16 at *3 (S.D. Cal. Feb. 21, 2014). Courts must ensure that their records are not used "as
17 sources of business information that might harm a litigant's competitive standing,"
18 *Nixon*, 435 U.S. at 598. See also *Bauer Bros, LLC v. Nike, Inc.*, No.: 1:10-cv-02372-
19 LJO-SKO, 2012 WL 1940677, at *3 (E.D.Cal. May 29, 2012) noting that "[g]ood
20 cause to seal is generally found where the disclosure of proprietary information could
21 cause a party a competitive injury."

22 When a party seeks to file documents under seal in connection with a dispositive
23 motion it must present a compelling reason to do so, *Kamakana v. City & Cnty of*
24 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). Publicly filing the information that
25 interested party has filed without Seal puts interested party at a competitive
26 disadvantage because it reveals, among many other things, the scope and reach of
27 certain private finances, property, inventories, and the likes of private individuals

1 whom are not parties to this Action. Furthermore, said highly sensitive information
2 could also be used to identify and or harm said private individuals. Therefore, good-
3 cause exist to seal this information.

4 Interested party has made 2 in-person visits to Crestlloyd, LLC, Debtor, Attorney
5 of Record(s), Levene, Neale, Bender, Yoo & Golubchik Office to deliver an Offer
6 Acceptance Notice(s) as it relates to this matter and a Cease & Desist Notice as it
7 relates to the Auction Scheduled for February 28, 2022. Debtors' Counsel has not
8 agreed to nor opposed this Motion to Seal.

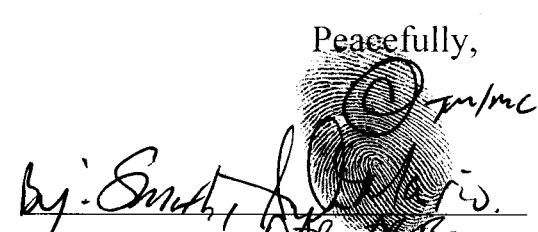
9 For the foregoing reasons, interested party must demand that this Court grant an
10 Order to seal its filing.

11 **AFFIDAVIT/DECLARATION**

12 I, Andre Mario Smith, Declare/Affirm the following:

- 13 1. I am a specially interested party in this matter;
- 14 2. I filed instruments with this court on February 16, 2022;
- 15 3. these instruments contain sources of business information that will
16 harm my competitive standing;
- 17 4. these instruments contain highly commercially sensitive financial and
18 business information, particularly that of private non-party individuals,
19 and trade secrets that will be harmed without seal;
- 20 5. I have presented sufficient compelling evidence to support sealing this
21 filing and;
- 22 6. I will suffer irreparable harm if this filing is not sealed.

23 DATE: February 24, 2022

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Peacefully,

Andre Mario Smith.

ORDER

It is so ordered.

DATE: February 24, 2022

Deborah J. Saltzman,

Judicial Officer.

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